

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | | |
|----------------|---|--------------------|
| MARGARET WIKE, |) | |
| |) | |
| Plaintiff |) | |
| |) | NO. 3:06-0204 |
| v. |) | |
| |) | Judge Echols/Brown |
| VERTRUE, INC., |) | Jury Demand |
| |) | |
| Defendant |) | |

O R D E R

The parties in this matter have agreed to amend the existing scheduling order as follows (Docket Entry 101):

1. Defendant Vertrue shall provide full supplemental responses and complete document production to all Plaintiff's outstanding interrogatories and requests for production by **May 7, 2007**.

2. The Plaintiff shall have until **June 6, 2007**, to amend the complaint and to add parties. Defendant Vertrue shall have until **July 6, 2007**, to file its answer to Plaintiff's amended complaint.

3. The Plaintiff shall have until **June 6, 2007**, to file a renewed motion for class certification. Defendant Vertrue shall have until **June 29, 2007**, to file any opposition to Plaintiff's motion for class certification and Plaintiff shall have until **July 20, 2007**, to file her reply.

4. Upon a decision by the District Judge on the issue of class certification, a scheduling order for the completion of the case and a trial date will be set.

At a telephone conference with the parties on March 29, 2007, they advised that there was a potential discovery dispute involving the Plaintiff's desire to secure a brief description of the various programs used by the Defendant. The Defendant has advised that they have literally thousands of different scripts and that they believe the Plaintiff's request is far too broad. The Magistrate Judge basically advised the parties that he believed the Plaintiff was entitled to a brief description of the programs which were similar to Mrs. Wike and would encourage the Defendant to provide brief descriptions of programs which bear similarity to her program. Clearly, this would not include, as Plaintiff agrees, situations where individuals received checks and entered the programs by endorsing them. The problem becomes more in situations where rather than an incoming call, such as Ms. Wike alleges, there is some type of call to an individual where they are offered some type of free program and are then switched into signing up for a membership. It is the Magistrate Judge's initial impression that this type of program may be similar to that in Ms. Wike's case.

The parties have advised they will discuss this further. In the event they are unable to reach a conclusion, the parties should file pleadings so the Magistrate Judge will have concrete examples to work with.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge